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Promotion and protection of the rights of children

United States of America: amendments to draft resolution A/C.3/59/L.29/Rev.1

Rights of the child

1. Replace the second preambular paragraph with the following text:

"*Emphasizing* that together the Convention on the Rights of the Child as well as its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, the International Covenant on Civil and Political Rights, the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization and the 1951 Convention Relating to the Status of Refugees, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001, and its 1967 Protocol contain a comprehensive set of international legal standards for the protection and well being of children, and reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,"

2. Replace operative paragraph 2 with the following text:

"*Urges* States that have not yet done so to consider as a matter of priority signing and ratifying or acceding to the Convention on the Rights of the Child and its Optional Protocols, and urges States Parties to implement them fully, while stressing that the implementation of the Convention and its Optional Protocols and the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children are mutually reinforcing;"

3. Delete operative paragraphs 4 and 9.

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4. Replace operative paragraph 12 (c) with the following text:

"Guaranteeing the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;"

5. Insert two subparagraphs after new operative paragraph 12 (d):

"(e) Ensuring as far as possible the right of the child to know and be cared for by his or her parents, and ensuring that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures, and the participation of all interested parties, that such separation is necessary for the best interests of the child;"

"(f) Respecting the right of a child who is separated from one or both parents residing in the same State to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests, and, where such separation results from action initiated by a State, that State shall, upon request, provide all appropriate interested parties with the essential information concerning the whereabouts of the absent member(s) of the family, unless this information would be detrimental to the well-being of the child;"

6. Replace operative paragraph 16 with the following text.

"*Calls upon* all States to address cases of international abduction of children, and encourages States to engage in multilateral and bilateral cooperation to ensure, inter alia, the return of the child to the country where he or she resided immediately before the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by one of their parents or other relatives;"

7. In operative paragraph 18, after the words "highest attainable standard of health", insert the words "that is progressively realized".

8. In operative paragraph 21 (a), before the words "affirmative action", insert the words "appropriate forms of".

9. Replace operative paragraph 23 (b) with the following text:

"To take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity;"

10. Replace operative paragraph 25 with the following text:

"*Calls upon* all States to end impunity for perpetrators of crimes committed against children, takes note of the entry into force of the Rome Statute of the International Criminal Court, and notes in particular the inclusion therein, as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international conflicts;"

11. In operative paragraph 38 (a): delete the text after "24 May 1989".

12. In operative paragraph 41 (b): after the words "where the crime was committed," insert "or if jurisdiction exists under applicable law,".

13. In operative paragraph 47: at end of the paragraph, add the words "contrary to international law".

14. Delete operative paragraph 51 (c).